

CITY COUNCIL AGENDA

APRIL 19, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:31 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Campos. (Excused)

7:02 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 4)**
Most Venerable Thich Giac Luong, and Phap Duyen Tinh Xa presented a Buddhist Prayer delivered in Vietnamese.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 4.3 and 10.1 deferred to May 3, 2005.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Hewlett Packard recognizing them as one of the Top 100 Most Sustainable Corporations. (LeZotte)
(Deferred from 4/5/05 – Item 1.2)
Heard in the Evening.
Mayor Gonzales and Council Member LeZotte commended Hewlett Packard as one of the top corporations leading in recycling and who recognizes the importance of global citizenship.

1 CEREMONIAL ITEMS

- 1.2 Presentation of the *Large City Program Award* to the Parks, Recreation and Neighborhood Services Department for the Anti-Graffiti Program. (Mayor)
Mayor Gonzales presented a special “Large City Program Award” to the Parks, Recreation and Neighborhood Services Department for the Anti-Graffiti Program, which has been in place since 1999.
- 1.3 Presentation of a commendation to the Hillview Branch Library Homework Center for their second place award in the *Study and Win* Contest. (Campos)
Heard in the Evening.
Mayor Gonzales and Council Member Campos recognized the Hillview Branch Library Homework Center for their second place award in the Statewide “Study and Win Contest”, which consisted of online tutoring available on eleven computers within the Hillview Library.
- 1.4 Presentation of a commendation to Berryessa Chinese School in celebration of their 25th anniversary and service to the community. (Reed)
Heard in the Evening.
Mayor Gonzales and Council Member Reed recognized and commended the Berryessa Chinese School, which consists of all volunteers, for their dedication in helping all students succeed.
- 1.5 Presentation of a commendation to Lisa Valerio for her exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)
Mayor Gonzales and City Manager Del Borgsdorf presented a commendation to Lisa Valerio for her outstanding dedication and important contributions to the City of San José.
- 1.6 Presentation of a commendation to Mike Fehr for his exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)
Heard in the Evening.
Mayor Gonzales and City Manager Del Borgsdorf recognized Retired Sergeant Mike Fehr, San José Police Department for his exemplary dedication of over 31 years, and invaluable contributions to the City of San José.
- 1.7 Presentation of a commendation to Richmond Menker Housing Development Plan Group for its exemplary dedication and invaluable contributions to the San José Community. (Yeager/Mayor)
Heard in the Evening.
Mayor Gonzales and Council Member Yeager presented the “Good Neighbor Award” for District 6 to the Richmond Menker Housing Development Plan Group for its dedication and important contributions to the City of San José.

1 CEREMONIAL ITEMS

- 1.8 Presentation of a commendation to the Senter Road Creekside Neighborhood Association for its exemplary dedication and invaluable contributions to the San José Community. (Mayor/District 7)
Heard in the Evening.
Mayor Gonzales presented a commendation to the Senter Road Creekside Neighborhood Association for its dedication and invaluable contributions to the City of San José through their efforts in improving their neighborhood.
- 1.9 Presentation of a commendation to the Vietnamese-American community to mark their 30 years of achievement in America. (Chavez/Pyle/Reed)
(Rules Committee referral 4/13/05)
Heard in the Evening.
Mayor Gonzales, Vice Mayor Chavez, and Council Members Pyle and Reed recognized and honored the Vietnamese American community for 30 years of achievement living in the United States.
- 1.10 Presentation of commendations recognizing outstanding contributors to Child Care awardees; Child Care Center-Based award winner, Josephine Dalit, George R. Howard Memorial Award winner, Ali Lunden, and Smart Start San José Program Award winner, Evergreen Valley Child Development Center. (Chirco)
(Rules Committee referral 4/13/05)
Heard in the Evening.
Mayor Gonzales and Council Member Chirco recognized and commended the outstanding contributors to the Child Care awardees, including Josephine Dalit for the Child Care Center-Based Award; Ali Lunden for the George R. Howard Memorial Award, and the Evergreen Valley Child Development Center for the Smart Start San José Program Award.
- 1.11 Presentation of a commendation to the Health Trust for service to the community. (Reed)
Mayor Gonzales and Council Member Reed recognized and commended the Health Trust for their success in providing affordable health care to improve the health and quality of life for the citizens and residents of San José for over a decade

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.

2 CONSENT CALENDAR

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27391 – Rezoning certain real property situated on the south side of Duckett Way, approximately 400 feet east of South De Anza Boulevard to A(PD) Planned Development Zoning District. PDC04-062
Ordinance No. 27391 adopted.
- (b) ORD. NO. 27393 – Rezoning certain real property situated at the northeast corner of Newhall Street and Campbell Avenue to A(PD) Planned Development Zoning District. PDC04-069
Ordinance No. 27393 adopted.
- (c) ORD. NO. 27394 – Rezoning certain real property situated on the north side of Nortech Parkway, approximately 310 feet easterly of Disk Drive to A(PD) Planned Development Zoning District. PDC04-075
Ordinance No. 27394 adopted.
- (d) ORD. NO. 27395 – Rezoning certain real property situated on the south side of Murphy Avenue, approximately 100 feet westerly of Deluca Drive from A-Agriculture Zoning District to A(PD) Planned Development Zoning District. PDC04-085
Ordinance No. 27395 adopted.
- (e) ORD. NO. 27396 – Rezoning certain real property situated on the westerly side of Clark Street, approximately 390 feet southeasterly of Willow Street to A(PD) Planned Development Zoning District. PDC04-082
Ordinance No. 27396 adopted.
- (f) ORD. NO. 27397 – Rezoning certain real property situated at the north side of San Carlos Street approximately 340 feet westerly of Meridian Avenue from A(PD) Planned Development Zoning District, R-2(PD) Planned Development, CN(PD) Planned Development, and LI(PD) Planned Development Zoning Districts to A(PD) Planned Development Zoning District. PDC04-086
Ordinance No. 27397 adopted.
- (g) ORD. NO. 27398 – Rezoning certain real property situated on the northeast corner of Reno Drive and Antonacci Court to R-1-8 Residence Zoning District. C03-096
Ordinance No. 27398 adopted.

2 CONSENT CALENDAR

2.2 Final Adoption of Ordinances (Cont'd.)

- (h) ORD. NO. 27392 – Rezoning certain real property situated on both sides of San Juan Avenue, between Sonora Avenue to the north and Ferrari Avenue to the south, to R-1-8 Residence Zoning District. CC05-017
[Deferred from 4/12/05 – Item 2.2(b)]

Ordinance No. 27392 adopted.

2.3 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #13 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

Approved.

2.4 Approval to award a contract to clean the clarifier tanks at the Water Pollution Control Plant.

Recommendation: Report on Request for Quotation (RFQ) for coating and rehabilitation of clarifier tanks and approval of award to the low price quote, Certified Coatings of California, Inc., for a total cost of \$322,800 including tax and freight and authorize the Director of Finance to execute a purchase order. CEQA. Not a Project. (Finance)

Approved.

2.5 Approval to submit a grant application for the Senior Companion Program.

Recommendation: Adoption of a resolution:

- (a) Authorizing the City Manager to submit an application to the Corporation for National and Community Service (CNCS) for a one-year Federal grant in an amount not to exceed \$128,307 for the Senior Companion Program (SCP); and
(b) Authorizing the City Manager to accept grant funds and to negotiate and execute all agreements if grant is awarded.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Dropped.

2 CONSENT CALENDAR

2.6 Approval of actions related to the annexation of Franklin No. 53.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as Franklin No. 53 which involves the annexation to the City of San José of 1.23 gross acres of land located at the east side of Monterey Road, approximately 280 feet northwesterly of Fehren Drive and adjacent to the City of San José annexations Franklin Nos. 23 and 48, Monterey Park No. 7 and the detachment of the same from County Lighting County Services, Central Fire Protection and Area No. 01 (Library Services) County Services and County Sanitation 2-3. CEQA: Resolution No. 65459. Council District 7. (Planning, Building and Code Enforcement)

Resolution No. 72620 adopted.

2.7 Adoption of a resolution opposing the Peninsula Corridor Joint Powers Board proposal for terminating Caltrain service to the College Park Station in San José.

Recommendation: Adoption of a resolution opposing the Peninsula Corridor Joint Powers Board proposal for terminating Caltrains service to the College Park Station in San José. (Mayor/Yeager)

(Rules Committee referral 4/13/05)

Resolution No. 72621 adopted.

2.8 Acceptance of the Office of the City Auditor's Report of Activities and Findings for the Period February 16 through March 15, 2005.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period of February 16 through March 15, 2005*. (City Auditor)

(Rules Committee referral 4/13/05)

Report Accepted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – April 6, 2005

Vice Mayor Chavez, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review April 19, 2005 Council Agenda

The Committee recommended approval of the April 19, 2005 City Council Agenda.

3.2 Report of the Rules Committee – April 6, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

- (b) City Council (Cont'd.)
 - (2) Add New Items to April 12, 2005 Agenda
The Committee recommended approval of two additions to the April 12, 2005 City Council Agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Monthly Report on Outstanding Public Record Act Requests
City Clerk Lee Price presented the first monthly report of the Outstanding Public Records Acts Requests. The Committee noted and filed the report, and requested that in future reports, Staff include a summary of the total costs to respond and the recoverable costs.
 - (2) Appropriation of Gift Trust Funds for District 1 Community Events
Deferred one week.
- (h) Oral Communications
There were none presented.
- (i) Adjournment
The meeting was adjourned at 2:27 p.m.

The Report of the Rules Committee and the Actions of April 6, 2005, were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3 STRATEGIC SUPPORT SERVICES

3.4 Acceptance of Staff Report on Military Supplemental Salary calculation analysis.

Recommendation: Acceptance of Staff Report on Military Supplemental Salary calculation analysis. CEQA: Not a Project. (City Manager's Office/Finance)
(Deferred from 4/5/05 – Item 3.6)

Report Accepted, with Staff directed to:

- (1) Continue the City Council's current policy under the Military Leave Program that provides supplemental income to employees called up to active military duty to "keep them whole", so that their total income while on active duty is equivalent to their normal City pay.**
- (2) Support the use of flex shifts and flex hours to ensure that members of the Reserves and National Guard who have not been called to active duty have a supportive work environment to balance their jobs and the demands of military training when not on active duty. The Administration is directed to report to the Council in one year on how supervisors are supporting flex time as an option for the employees/reservists.**
- (3) Review the possibility of establishing the Military Leave Program under ordinance versus a resolution to demonstrate the City's support of this program and the benefits it provides City employees called to active duty.**

Noes: Chavez.

3.5 Approval to award the purchase of Freestanding Furniture for the New City Hall.

Recommendation:

- (a) Report on bids and award the purchase of Freestanding Furniture for new City Hall to the low bidders for each of the bid packages:**
 - (1) Contract Office Group, (bid packages 1 and 2) for a total of \$576,584.90 including tax and**
 - (2) One Workplace, (bid packages 3, 4, & 5) for a total of \$1,214,901.83 including tax.**
- (b) Approval of a contingency in the amount of:**
 - (1) \$53,224 for bid packages 1 and 2 for unforeseen changes/requirements that may arise prior to the completion of the furniture installation.**
 - (2) \$110,742 for bid packages 3, 4 and 5 for unforeseen changes/requirements that may arise prior to the completion of the furniture installation.**
- (c) Authorize the Director of Finance to execute the agreements.**

CEQA: Civic Plaza Redevelopment Plan EIR, Resolution No. 68905, PP98-03-072.

(General Services/Finance/City Manager's Office)

(Deferred from 4/12/05 – Item 3.5)

Approved.

3 STRATEGIC SUPPORT SERVICES

3.6 Approval of actions related to servers for the New City Hall.

Recommendation:

- (a) Report on bids and award the purchase of 45 servers and related items to the lowest responsive bidder, Systems Technology Associates (STA), at a total cost of \$585,684.36, including extended maintenance and support, taxes and shipping charges, and authorize the Director of Finance to execute the purchase order.
- (b) Approval of a contingency in the amount of \$58,000 for unforeseen changes/requirements that may arise in the deployment of these servers.

CEQA: Not a Project. (Information Technology/Finance)

(Rules Committee referral 4/6/05)

(Deferred from 4/12/05 – Item 3.6)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chirco, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4.3 Public Hearing on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management.

Recommendation: Adoption of a resolution approving revisions to the Council Policy on Post-Construction Urban Runoff Management (Policy No. 6-29) to:

- (a) Require the installation of stormwater treatment control measures in new and redevelopment projects which create, replace or add 10,000 square feet or more of impervious surface and involve “Land Uses of Concern,” or require a permit or other direct approval from the Regional Water Quality Control Board (RWQCB);
- (b) Expand the Policy definition of “Land Uses of Concern” to include projects involving vehicle or equipment maintenance areas, including washing and repair, outdoor handling or storage of waste or hazardous materials, outdoor manufacturing area(s), outdoor food handling or processing, outdoor animal care, and outdoor horticultural activities where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control best management practices; and
- (c) Make a technical correction in the “Urban Core” definition related to the required proximity to a BART transit node.

CEQA: Exempt, PP05-012. (Planning, Building and Code Enforcement)

Deferred to 5/3/05 per Orders of the Day.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of actions related to the submission of a proposal to protect local streams and creeks from erosion.

Recommendation: Authorization to the City's representative to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Management Committee to approve submittal of a proposal for implementing control measures on private and public development projects, to protect local streams and creeks from the erosion that results from development related increases in stormwater flow velocities and durations ("The Hydromodification Management Plan") to the San Francisco Bay Regional Water Quality Control Board (RWQCB). CEQA: Not a Project. (Planning, Building and Code Enforcement/ Environmental Services/Public Works)

Approved.

4.5 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition of an easement for a surface public use bicycle and pedestrian bridge and park trail, including the rights to construct, install, maintain and operate said bridge and parkway, associated landscaping, signs, call boxes, irrigation and other related improvements, and necessary subsurface rights, on vacant land owned by Pacific Gas and Electric Company located between the residential parcels at 2499 and 2513 Bambi Lane, San José, CA 95124 (APN No. 484-38-022; State Board Equalization No. 135-43-49, Parcel 6 and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Negative Declaration and addenda thereto, PP03-11-352. Council District 5. SNI: East Valley/680. (Public Works)

Resolution No. 72622 adopted.

4.6 Approval of actions related to Secondary Units.

Recommendation: Discussion and direction to Staff regarding the options regarding secondary housing units in the City, including the staff recommendation to proceed with a limited pilot program for secondary units in selected areas of the City. CEQA. Not a Project.

[Building a Strong Neighborhood Committee Referral 3/21/05 – Item 4.1(d) and Driving a Strong Economy Committee Referral 3/28/05 – Item 4.2(c)]

Deferred to 5/3/05, to be heard in the evening.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Acceptance of the status report and initiate actions regarding the Evergreen Visioning Project/Smart Growth Strategy.

Recommendation:

- (a) Acceptance of the status report on the Evergreen Visioning Project/Smart Growth Strategy; and
- (b) Initiate an update to the Evergreen Development Policy and associated General Plan text amendments.

CEQA: Exempt, PP03-10-349. Council Districts 5, 7 and 8. SNI: West Evergreen, K.O.N.A., East Valley/680. (Planning, Building and Code Enforcement)
(Rules Committee referral 4/13/05)

Heard in the evening.

As the next steps in the Evergreen Planning Development process, the following measures were adopted:

- (1) **Action on Item 4.7 was deferred to 5/3/05. Mayor Gonzales, Council Members Cortese and Campos and the Interim Chief of Staff in District 7 were requested to bring forward recommended appointees for a Specific Plan Task Force to move forward on the tremendous amount of work that has already been accomplished on the Evergreen Visioning Project. This Task Force would use the work of the Evergreen Visioning Project Task Force as the foundation for its work. Council Member Campos will serve as Vice Chair on the Specific Plan Task Force. The Interim Chief of Staff in Council District 7 will be appointed to serve on the Task Force until the next District 7 Council Member is elected.**
- (2) **At that same meeting, Council will discuss key policy issues, desired outcomes and guidelines for discussion within the Specific Plan process. The discussion should include affordable housing requirements (similar to the Coyote Specific Plan) and whether Council supports allowing the conversions of hundreds of acres of industrial properties to residential use or possibly only industrial intensification to allow the job counts to remain the same while freeing up some land for other uses. Mayor Gonzales, and Council Members Cortese and Campos, with input from District 7 Staff, will identify the range of key policy questions to be discussed by Council.**
- (3) **Council will consider the Staff recommendation for this item May 3, 2005.**

Noes: Cortese, Reed.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval to name the Alum Rock Branch Library.

Recommendation:

- (a) Approval to name the new branch library, currently being constructed at Alum Rock and White Road the "Alum Rock Branch Library".
- (b) Approval to name the Library's community room after Dr. Roberto Cruz, the late founder of the National Hispanic University.

CEQA: Not a Project. Council District 5. (Library Commission)

Heard in the evening.

The community supported name "The Dr. Roberto Cruz-Alum Rock Branch Library", was approved for the new library currently being constructed at Alum Rock Avenue and White Road.

5.3 Approval of an agreement with the Spartan Little League.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Spartan Little League to operate the concession building and to use the associated ball fields at the Tully Community Ball Fields from March 1, 2005 through February 28, 2007.

Resolution No. 72623 adopted.

- (b) Adoption of a resolution establishing a maintenance fee in the amount of \$6.38 per hour of field use for Tully Community Ball Fields with provisions for a reduction of the fee in exchange for limited "in lieu" services.

CEQA: Mitigated Negative Declaration, File No. PP02-04-080. Council District 7. (Parks, Recreation and Neighborhood Services)

Resolution No. 72624 adopted.

5.4 Approval of an agreement for skate park services at Lake Cunningham.

Recommendation: Approval of a consultant agreement for skate park project management and design services with Beals Alliance, Inc. for the Lake Cunningham Regional Park for a term beginning April 1, 2005 through March 31, 2008, in an amount not to exceed \$500,000. CEQA: Not a Project. Council District 8. (Parks, Recreation and Neighborhood Services)

Deferred to 5/3/05.

5 RECREATION & CULTURAL SERVICES

5.5 Discussion of the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO).

Recommendation:

- (a) Acceptance of the report regarding the proposed revisions to the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) and give Staff direction on the proposed revisions; and

Report Accepted.

- (b) Conduct a Public Hearing on Tuesday, May 17, 2005 at 7:00 p.m., to consider Staff recommendations regarding the proposed amendments to the PDO and PIO, Chapters 19.38 and 14.25, respectively, of the San José Municipal Code, and changes to the associated Fee Resolution with respect to the granting of credit for recreation facilities and dedicated parkland along with related fee changes.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

[Driving a Strong Economy Committee referral 2/28/05 - Item 4.2(a) and Building a Strong Neighborhood Committee 3/21/05 - Item 4.1(c)]

Heard in the evening.

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – April 4, 2005 Council Member Campos, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Receive Report from Caltrans on Regional Issues
Deferred to May 2, 2005.
 - (2) Recommendations on Santa Clara/Alum Rock Transmit Mode Choice
The Committee accepted the Report with Staff directed to return with any Schedule feedback to the May 2, 2005 Committee Meeting.
 - (3) Route 880/Coleman Interchange Aesthetic Design
Dropped.
 - (4) Report on San José Transportation Needs and Funding Alternatives
Deferred to May 2, 2005.
- (b) Traffic Relief/Safe Streets
 - (1) Receive Follow up Report on Red Curb Standards at Crosswalks in Vicinity of schools
The Committee accepted the report with Staff directed to return in June 2005 with response/analysis to the information requested, as described in the attached Meeting Report.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – April 4, 2005 (Cont'd.) Council Member Campos, Chair

- (c) Supporting Smart Growth
There were no items.
- (d) Regional Relationships/Funding/Policy
There were no items.
- (e) Oral Petitions
There were none presented.
- (f) Adjournment
The meeting was adjourned at 2:27 p.m.

The Building Better Transportation Committee Report and the Actions of April 4, 2005, were accepted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to award a contract for the Water Pollution Control Plant's Secondary Blower Building, Absorption Chiller Replacement Project.

Recommendation: Report on bids and award of contract for the “San José/Santa Clara Water Pollution Control Plant: Secondary Blower Building, Absorption Chiller Replacement Project,” to the low bidder, Environmental Systems, Inc. in the amount of \$489,000; and approval of a contingency in the amount of \$49,000 for a total agreement amount not to exceed \$538,000. CEQA: Exempt, PP04-306. (Environmental Services)
Approved.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of actions for the Nisich Neighborhood Park Land Acquisition.

Recommendation:

- (a) Actions by the City Council to:
- (1) Approve an agreement in the amount of \$1,600,000 with Louis M. Nisich, Louis M. Nisich, Jr., Gaylen L. Nisich & Anthony J. Nisich for the purchase of real property located at 1484 Suzay Court and 1487 Nisich Drive (APN: 477-55-105 & 106) (Property); and,
 - (2) Adopt a resolution authorizing the Director of Public Works to execute any additional documents necessary to complete the purchase of the Property; and,
 - (3) Adopt a resolution making certain determinations regarding the expenditure of Redevelopment Agency Funds for the acquisition of property that will be publicly owned.
- (b) Actions by the City Council and Redevelopment Agency Board to approve a Cooperation Agreement between the City and the Redevelopment Agency, providing for the Agency's transfer of \$1,600,000 to an Escrow Account for the purchase of the Property.

CEQA: Exempt, PP05-027. Council District 7. SNI: Tully/Senter. (City Manager's Office/ Redevelopment Agency)

Deferred to 5/3/05 per Orders of the Day.

● Closed Session Report

City Attorney Doyle disclosed the following Closed Session action(s) of April 19, 2005:

A. Authority to Seek Review by the United States Supreme Court in a Litigation Case:

Case Name: **The San José Charter of the Hells Angels Motorcycle Club, et al. v. City of San José**

Adverse Party or parties: **Hells Angels Motorcycle Motor Club, et al.**

Substance of Litigation: **Action seeking damages for alleged violations of civil rights.**

Council Vote: Ayes: **Campos, Chavez, Chirco, Cortese, LeZotte, Pyle, Reed, Williams, Yeager; Gonzales.**

Noes: **None.**
Disqualified: **None.**
Absent: **None.**

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9633	N/E of 8 th St. Hedding Street	3	Warmington Bernal Park Associates	100 Units	MFA	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9682	S/W corner of Lundy Ave. and McKay Dr.	4	Toll Bros. Inc.	106 Units	Single-Family Attached
9693	N/E corner of Bonita Ave. and Sunny Ct.	3	KB Home South Bay	80 Units	Single-Family Attached
9685	N/W/c of Alma/Lick	6	Barry Swensen	1 Unit	Condo

- **Open Forum**

None.

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 2:27 p.m.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:02 p.m.)

11.1 Public Hearing on an urgency ordinance and initiation of an ordinance of the City of San José amending Chapter 20.100 of Title 20 of the San José Municipal Code.

Recommendation:

- (a) Public Hearing on an urgency ordinance of the City of San José amending Chapter 20.100 of Title 20 of the San José Municipal Code to allow subdivisions to be approved with other development permits and approvals as part of a single process. CEQA: Not a Project. (Planning, Building and Code Enforcement)
- (b) Initiation of an ordinance of the City of San José amending Chapter 20.100 of Title 20 of the San José Municipal Code to allow subdivisions to be approved with other development permits and approvals as part of a single process, to be heard by the Planning Commission on May 25, 2005, and by the City Council on June 7, 2005. CEQA: Not a Project. (Citywide)

Dropped.

11.2 Public Hearing on a Planned Tentative Map Permit located on the southside of Murphy Avenue.

Recommendation: Public Hearing on and approval of a resolution on a Planned Tentative Map Permit to reconfigure one parcel into six lots for single-family detached residential purposes, located on the south side of Murphy Avenue, approximately 100 feet west of Deluca Drive, in the A Agriculture Zoning District on a 0.42-acre site. (Silicon Valley Habitat for Humanity, Inc., Owner/Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-1-1). CEQA: Exempt.

PT04-089 - District 4

(Continued from 4/5/05 – Item 11.9)

Dropped.

11 PUBLIC HEARINGS

11.3 Public Hearing on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 390 single-family attached residences and future public park on a 14.67 gross acre site, located on the north and south side of Auzerais Avenue between Sunol Street and Los Gatos Creek (Del Monte Corp, Owner/KB Homes, Applicant). Director of Planning, Building and Code Enforcement recommends approval with conditions to work to improve the relationship of the podium residential units to Auzerais Avenue and continue to widen the setback to Los Gatos Creek at Auzerais Avenue. Planning Commission recommend denial (6-0-1). SNI: Burbank/Del Monte. CEQA: Resolution to be adopted.

PDC03-071 – District 6

(Continued from 4/5/05 – Item 11.10)

Ordinance No. 27408 passed for publication.

CEQA Resolution No. 72625 adopted, including the following recommendations:

- (1) **Preserve the Del Monte Water Tower as a landmark of the site and the Valley's Heritage.**
- (2) **Eliminate two units to widen the riparian setback to Los Gatos Creek at Auzerais Avenue, thus increasing the setback from 30 feet to 73 feet and increasing the average from 50 feet to 56 feet overall, improving the visual accessibility of the trail to the community.**
- (3) **Master Plan the new park to reflect the role of the canneries in the history of San José.**
- (4) **Integrate historic features into the project to commemorate the activities of the site and the buildings.**
- (5) **Showcase the history of the area on a portion of the façade of the new light rail plaza.**
- (6) **Develop a video archive of the Del Monte cannery site for future generations to enjoy and be able to learn about the rich history of the area.**
- (7) **Incorporate the façade from the Del Monte Building #4 as part of a “historical walk” around the project.**
- (8) **Work with the Santa Clara Valley Transportation Authority (VTA) to commemorate the history of the cannery in the new lightrail plaza.**
- (9) **Contribute \$1,000,000 to the cost of the San Carlos lightrail station, to be determined at the Planned Development Permit Stage in consultation with the VTA.**
- (10) **Improve the relationship of the podium residential units to Auzerais Avenue so that the streetscape is more active with unit entrances, stoops, and similar features (rather than garage openings) that improve access to the main building.**

(Item continued on the next page)

11 PUBLIC HEARINGS

11.3 Public Hearing on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District (Cont'd.)

- (11) Contribute \$100,000 to the Citywide historic survey of industrial buildings in the City to encourage awareness of our historical architectural resources and identify existing facilities conducive to adaptive reuse.
- (12) Improve the richness of the materials and detailing used on the buildings, such that industrial/warehouse elements (i.e. brick) are incorporated into the building exteriors so that the buildings evoke the character of the cannery.
- (13) To develop and analyze the safe crossing to Gardner Academy from the development.

Noes: Chirco, LeZotte, Williams.

11.4 Public Hearing on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 80 single-family detached residences and a public park on a 7.96 gross acre site, located at the northeast corner of Bonita Avenue and Sunny Court (370 Bonita Avenue) (California Cheese Co., Owner; KB Home South Bay, Inc./Jeff McMullen, Developer). SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC05-006 - District 3

Ordinance No. 27406 passed for publication.

11.5 Public Hearing on Conforming Rezoning from HI Heavy Industrial Zoning District to IP Industrial Park Zoning District.

Recommendation: Public Hearing and consideration of approval an ordinance on Conforming Rezoning from HI Heavy Industrial Zoning District to IP Industrial Park Zoning District to allow research and development offices uses on a 4.45 gross acre site, located on the west side of Junction Avenue, approximately 600 feet southerly of Charcot Avenue (2051 Junction Avenue) (DMV Sub 4 LLC, Owner; Borelli Investments Company, Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C05-008 - District 4

Ordinance No. 27407 passed for publication.

11 PUBLIC HEARINGS

11.6 Public Hearing on Conforming Prezoning from County to R-1-8 Residential District to allow residential use on a 0.13 gross acre site.

Recommendation: Public Hearing on consideration of approval of an ordinance on Conforming Prezoning from County to R-1-8 Residential District to allow residential use on a 0.13 gross acre site, located at/on the west side of Richmond Avenue approximately 150 feet north of Scott Street (457 Richmond Avenue) (Maher Linda A., Owner). SNI: Burbank/Del Monte. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C05-011- District 6

Dropped.

- Open Forum

(1) Daniel McCall expressed his opinions on societal issues.

- Adjournment

The Council of the City of San José was adjourned in memory of Eugene Hayashi, long-time resident and volunteer for many community organizations and husband of Helen Hayashi, a former City employee.

The Council of the City of San José was adjourned at 11:55 p.m.